

The Regular Session was called to order by Mayor Stone with Councilmembers Simillion, Harriman, McKenna and Hart present along with City Attorney Landwehr, City Manager Collins, City Clerk Anderson, Finance Director Hanson, City Planner Cullis, Public Works Director Coleman, several citizens and the press.

PUBLIC HEARING

After opening the Regular Session the Mayor immediately opened the Public Hearing to receive public input on the application for a Tavern Liquor License for Brick Cellar, Inc., dba Brick Cellar, 122 W. Tomichi Avenue, Gunnison, CO. The record reflects all five Council Members, City Manager, City Attorney and City Clerk were in attendance. The applicants, Ryan Morrow, 822 W. Virginia Ave., Gunnison, CO and Stephanie Lee, 822 W. Virginia Ave., Gunnison, CO, came forward and identified themselves.

The City Clerk administered the oath to the following: Ryan Morrow, Stephanie Lee, Tommy Thompson, John Taliaferro and Eric Ferchau.

The City Attorney stated he had reviewed the application and it appears to be in order. A Preliminary Findings and Report has been issued, with a copy being mailed to the applicants. The remaining issues before the Council is whether or not the applicants are fit persons to hold a liquor license and whether or not the needs and desires of the neighborhood will be met by the issuing of this license.

The City Clerk stated the fees have been paid and we have proof of publication and posting of the premises.

The Mayor reiterated the Incorporated City Limits of Gunnison, Colorado, is determined as the neighborhood.

The applicants came forward and passed out a letter that Ryan reviewed for the Council. The letter stated the focus for the Brick Cellar will be primarily on fine wine and champagne while also providing liquors and cocktails. Art shows, wine tasting, and live music will be featured regularly to provide entertainment and a unique atmosphere. The menu will feature appetizers and daily specials. A full kitchen has been prepared with opportunity for an expanded menu should the demand be warranted. Ryan submitted petitions, with approximately 250 signatures, in favor of issuing the Tavern Liquor License.

The Mayor asked for testimony. Eric Ferchau, Tommy Thompson, and John Taliaferro gave testimony in support of the issuing of this license.

The Mayor asked if there was any opposition testimony. There was none.

The following will be a part of the Brick Cellar, Inc. liquor file: Preliminary Report, proof of publication, proof of posting, Application, the letter presented to Council from Ryan Morrow and the petitions.

The Mayor asked if there was any more testimony, and hearing none, the Public Hearing was closed at 7:10 P.M.

REGULAR SESSION

The Mayor, with the consent of Council, added to the agenda, under New Business, item F, "Upper Gunnison River Water Conservancy District, Case No. 02CW038".

**Consent Agenda:**

- A. Regular Session Minutes of May 14, 2002
- B. Acceptance of City-owned Cellular Telephone Policy
- C. Award of 2002 Utility Improvements 10<sup>th</sup> Street Storm Drains & Water Mains to Spallone Construction in the amount of \$144,948.10 and Authorization for the Mayor to Sign Contract with Spallone Construction

The Public Works Director stated the amount in the contract is \$130,257.50 not \$144,948.10.

Councilmember Simillion moved and Councilmember Hart seconded the motion to approve the Consent Agenda with the correction on Item C. the amount in the Spallone Construction contract be changed from \$144,948.10 to \$130,257.50.

Roll call vote, yes: Simillion, Harriman, Stone, McKenna, Hart. So carried.

Roll call vote, no: None.

**Pre-Scheduled Citizens: Mark Heller of High Country Citizens' Alliance; Request for Endorsements on:**

1. **Bill Banning Cyanide Heap Leach Gold Mining in Colorado; and**
2. **The "Earth Charter".**

Mark Heller stated he is wanting City Council endorsements on the above-mentioned items and then gave a brief explanation. Discussion followed.

Councilmember Simillion moved and Councilmember McKenna seconded the motion to deny the request to the Letter of Endorsement to Representative John Rippey in reference to the Bill to prohibit future use of cyanide heap leach gold mining.

Roll call vote, yes: Stone, McKenna and Simillion. Carried by majority.

Roll call vote, no: Harriman and Hart.

Mark Heller explained the "Earth Charter". Discussion followed.

Councilmember McKenna moved and Councilmember Simillion seconded the motion to deny the request to endorse "The Earth Charter" as presented, on the appropriate web-site.

Roll call vote, yes: Stone, McKenna, Hart, Simillion, Harriman. So carried.

Roll call vote, no: None.

**Unfinished Business:** None.

**New Business:**

- A. **Tavern Liquor License Application for Brick Cellar, Inc., dba Brick Cellar, 122 W. Tomichi Avenue, Gunnison, CO.**

Councilmember Harriman moved and Councilmember Hart seconded the motion that the Tavern Liquor License for Brick Cellar, Inc., dba Brick Cellar, 122 W. Tomichi Avenue, Gunnison, CO, be approved for the following reasons:

1. There has not been a denial of an application at the same location, or a location within 500 feet thereof, by either the state or local licensing authority within the two years preceding the date of the application on the grounds that the reasonable requirements of the neighborhood were satisfied by existing outlets.
2. It appears from the evidence submitted with the application that the applicant is entitled to possession of the premises where the license is proposed to be exercised.
3. Selling liquor by the drink in the manner proposed in the application is not in violation of the zoning, fire, and other applicable codes of the City of Gunnison or the laws of the State of Colorado.
4. The building where the application proposes to sell liquor - malt, vinous, and spirituous by the drink, does not appear to be within 500 feet of any public or parochial school or the principal campus of any college, university, or seminary.
5. Within the City limits of the City of Gunnison, where beer is proposed to be sold, there are the following existing other outlets:

- 3 - Beer and Wine Type Licenses
- 6 - Hotel/Restaurant Type Licenses
- 5 - Retail Liquor Store Licenses
- 1 - Arts License
- 9 - Tavern Type Licenses
- 2 - Club Type Licenses
- 7 - 3.2% Beer Type License

6. Based on the petitions of adult inhabitants of the City of Gunnison, the license applied for will meet the desires of the adult inhabitants of the City of Gunnison.

7. All fees necessary for the application have been paid.

8. According to the information received by the Police Department of the City of Gunnison, Colorado, and the Colorado Bureau of Investigation of the applicants, the applicants are of good moral character and possesses the qualifications necessary to conduct the type of business proposed.

Roll call vote, yes: McKenna, Hart, Simillion, Harriman, Stone. So carried.

Roll call vote, no: None.

**B. Tourism Resort Association Start Up Committee Request for Funding for 1/3 the cost of a Work Session meeting.** Dan Williams was present to update Council. Dan stated there will be a meeting on June 3, from 10:00 A.M. to Noon, at the Almont Resort. Council asked Dan if the Tourism Resort Association Start Up Committee had received a letter from the Gunnison Country Chamber in support of the Tourism Resort Association. Dan said no. Council stated it would be very important to have this letter before the meeting on Monday.

Councilmember Hart moved and Councilmember Harriman seconded the motion to help with the funding, not to exceed \$1,000.00, for the cost of the June 3, work session meeting. The \$1,000.00 is to be expended out of the City Council professional line item.

Roll call vote, yes: Hart, Simillion, Harriman, Stone, McKenna. So carried.

Roll call vote, no: None.

### **3. Appointment to the Building Board of Appeals - Seb Romero.**

Councilmember Simillion moved and Councilmember McKenna seconded the motion to appoint Seb Romero to the Building Board of Appeals.

Roll call vote, yes: Simillion, Harriman, Stone, McKenna, Hart. So carried.

Roll call vote, no: None.

### **4. Appointments to Region 10 Executive Board and Gunnison Valley Transportation Region Planning Board.**

Councilmember Simillion moved and Councilmember McKenna seconded the motion to appoint Community Development Director Hannon as the City of Gunnison representative to the Region 10 Gunnison Valley Transportation Region Planning Board and the City Planner Cullis as the alternate.

Roll call vote, yes: Harriman, Stone, McKenna, Hart, Simillion. So carried.

Roll call vote, no: None.

### **5. Authorization for Mayor's Signature on the Memorandum Agreement Between the City of Gunnison and the Board of County Commissioners, In the Amount of \$4,000 for Funding of the Airline Consultant.**

Councilmember Harriman moved and Councilmember Hart seconded the motion authorizing the Mayor to sign the Memorandum Agreement between the City of Gunnison and the Board of County Commissioners, in the amount of \$4,000 for funding of the Airline Consultant.

Roll call vote, yes: Stone, McKenna, Hart, Simillion, Harriman. So carried.

Roll call vote, no: None.

**6. Upper Gunnison River Water Conservancy District Case No. 02CW038.**

The City Manager stated the City had requested several meetings to discuss the City's concerns and never did hear back from Gunnison County, so they are probably expecting the City to file opposition to the filing.

Councilmember McKenna moved and Councilmember Simillion seconded the motion authorizing Public Works Director Ken Coleman to sign the Statement of Opposition in Case No. 02CW038.

Roll call vote, yes: McKenna, Hart, Simillion, Harriman, Stone. So carried.

Roll call vote, no: None.

**Ordinance and Resolutions:**

**A. Ordinance No. 6, Series 2002, Re: Supplemental Appropriation for Grant for Historical Society, 2nd Reading.**

Councilmember Simillion introduced Ordinance No. 6, Series 2002, and it was read by title only by the City Attorney.

Councilmember Simillion moved and Councilmember Hart seconded the motion that Ordinance No. 6, Series 2002, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON ADOPTING AN ADDITIONAL APPROPRIATION AND AMENDING THE BUDGET FOR FISCAL YEAR ENDING DECEMBER 31, 2002; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE TRANSPORTATION ENHANCEMENT CONTRACT WITH THE COLORADO DEPARTMENT OF TRANSPORTATION; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE LOCOMOTIVE RESTORATION CONTRACT WITH THE GUNNISON COUNTY PIONEER AND HISTORICAL SOCIETY** be introduced, read, passed on second and final reading this 28<sup>th</sup> day of May, 2002.

Roll call vote, yes: Hart, Simillion, Harriman, Stone, McKenna. So carried.

Roll call vote, no: None.

**City Attorney:** Nothing to report.

**City Manager:** Stated he had talked with Dan Williams in reference to the Tourism Resort Association Start Up Committee Request and has provided Council with a memo in reference to their conversation. There will be a Tourism Resort Association meeting in Almont, June 3<sup>rd</sup> from 10:00 A.M. to Noon. Community Development Director Hannon will be attending as Acting City Manager and all of Council is welcome to attend. Also, the City Manager stated he would be out of town next week and the Acting City Manager will be Colleen Hannon.

**Acting City Manager:** Finance Director Wendy Hanson stated the Finance Department Semi-Annual report was in Council's packet and if they had any questions she would be glad to answer them. The Mayor stated excellent report and Council had no questions.

**Non-Scheduled Citizens:**

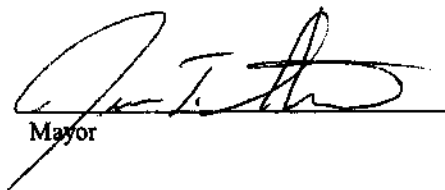
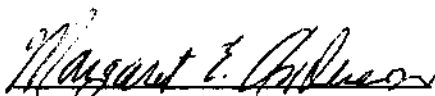
**General Discussion/Items for Work Sessions:**

**Councilmember Hart: Report on Planning & Zoning Commission Meeting of May 15, 2002.** The May 15, meeting was a continuation of the Public Hearing for Rick Miller and C.J. Miller's application for vacation of portions of 9<sup>th</sup> Street. Rick Miller withdrew the application based on the Community Development Staff's re-evaluation and input from the City Attorney, which resulted in a reversal of the staff's recommendation. The Department is currently working with Mr. Miller on his request and will update Council on the application as soon as they have resolved Mr. Miller's concerns.

**Councilmembers McKenna, Simillion, and Harriman:** Nothing to report.

**City Clerk:** Stated the International Institute of Municipal Clerk's International Conference she attended in San Antonio was very good and she will give Council an update in her monthly report to Council.

**Adjourned at 7:50 P.M.**

  
Mayor  
City Clerk